

UNITED STATES DISTRICT COURT NEW YORK  
EASTERN DISTRICT OF NEW YORK

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SAMANTHA ROSENBAUM,

Plaintiff,:

– against –

THE CITY OF NEW YORK, THE NEW YORK  
CITY POLICE DEPARTMENT, SERGEANT  
WILLIAM CINTRON, P.O. STARLETTE  
CHISEM, and P.O. CHRISTOPHER WILLIAMS,

Defendants.:  
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**AMENDED COMPLAINT  
AND JURY DEMAND**

Docket No. 13 CV 003721

**JURISDICTION**

1. This action is brought pursuant to 42 U.S.C. §1983 for violations of plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution and pursuant to the laws of the State of New York for violation of the tort laws of the State of New York.

2. This Court has jurisdiction over the federal claims pursuant to 28 U.S.C. §§1331 and 1343(a).

3. This Court has supplemental jurisdiction over the state court claims pursuant to 28 U.S.C §1367.

4. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

**CONDITIONS PRECEDENT TO STATE CLAIMS**

5. Plaintiff Samantha Rosenbaum has complied with all conditions precedent to commencement of the state law claims alleged herein and, more particularly, on or about September 24, 2012 and within ninety days after the occurrence set forth herein, plaintiff duly served written notice of claim upon the Comptroller's Office of the defendant City; more than thirty days have elapsed since service of the said notice of claim and defendant has failed and/or refused to make any adjustment thereof and this action has been brought within one year and ninety days of the occurrence.

**PARTIES**

6. Plaintiff Samantha Rosenbaum, is a resident of Essex County, New Jersey.

7. Defendant City of New York (hereinafter "defendant City") was and is a domestic municipal corporation duly organized and existing pursuant to the laws of the State of New York.

8. Defendant The New York City Police Department (hereinafter "Defendant Police Department" or "NYPD") is a department of the defendant City.

9. Defendants Sergeant William Cintron, P.O. Starlette Chisem, and P.O. Christopher Williams, (hereinafter the "defendant Officers") at all times relevant were employed by the defendant City as police officers in the defendant Police Department.

### **FACTUAL BACKGROUND**

10. On Tuesday, July 17, 2012 at about 4:15 P.M., plaintiff Samantha Rosenbaum was walking in the area of Marcy Avenue and S. 2<sup>nd</sup> Street, Brooklyn, New York.

11. At that time, plaintiff was stopped for no lawful reason by the defendant Officers.

12. The defendant Officers then searched through a bag plaintiff was carrying for no lawful reason.

13. Plaintiff was then pushed against a car and patted down by defendant Officers.

14. Multiple times, the defendant Officers threatened to take plaintiff down to the police station and write her up for felony.

15. Defendant P.O. Starlette Chisem then moved plaintiff over to the sidewalk area and, in full public view, pulled up the front of plaintiff's shirt and pulled open plaintiff's bra and looked down her bra, then pulled up the back of plaintiff's skirt, and pulled open plaintiff's pants and looked down her underpants.

16. This body search was witnessed by one or more passersby.

17. The defendant Officers then wrote down on a piece of paper plaintiff's name and home address.

18. The defendant Officers then told plaintiff they were not going to make a record of this and that they did not want the plaintiff to have "a bad impression of cops".

19. Plaintiff was then let go.

20. At all times relevant, the defendant Officers were acting within the scope of their employment as police officers in the defendant Police Department of the defendant City.

21. At all times relevant, the defendant Officers were acting under color of State law.

22. The defendant City and the defendant Police Department were deliberately indifferent with respect to the training, supervising and disciplining of the defendant Officers which led to the wrongful acts herein.

23. The defendant City and the defendant Police Department encouraged and condoned the various wrongful acts by the defendant Officers.

#### **FIRST CLAIM**

24. Plaintiff repeats and realleges the allegations set forth in the previous paragraphs.

25. The defendants' acts and conduct violated plaintiff's rights under the 42 U.S.C. §1983.

#### **SECOND CLAIM**

26. Plaintiff repeats and realleges the allegations set forth in the previous paragraphs.

27. The defendants' acts and conduct constituted an unlawful arrest and false imprisonment of plaintiff.

**THIRD CLAIM**

28. Plaintiff repeats and realleges the allegations set forth in the previous paragraphs.

29. The defendants' acts and conduct constituted an unlawful assault and battery upon the plaintiff.

**FOURTH CLAIM**

30. Plaintiff repeats and realleges the allegations set forth in the previous paragraphs.

31. The defendants' acts and conduct constituted the intentional infliction of emotional distress upon the plaintiff.

**WHEREFORE**, the plaintiff SAMANTHA ROSENBAUM, demands the following relief:

- (1) Compensatory damages;
- (2) Punitive damages;
- (3) Attorneys' fees, costs and disbursements;
- (4) Such other and further relief as this court finds just and proper; and
- (5) Plaintiff demands a trial by jury.

Dated: New York, New York  
October 9, 2013

Yours, etc.,

DILLON HOROWITZ & GOLDSTEIN LLP  
Attorneys for Plaintiff  
SAMANTHA ROSENBAUM

By \_\_\_\_\_ / s / \_\_\_\_\_  
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Docket No. 13-CV-003721 (MKB SMG)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Attorneys for Plaintiff

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Service of a copy of the within  
Dated, \_\_\_\_\_, 20\_\_

is hereby admitted.

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Attorneys for

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Sirs/Madams: -- Please take notice

\_\_\_\_\_ Notice of Entry

that the within is a true copy of an  
within named court on

duly entered in the office of the clerk of the

\_\_\_\_\_ Notice of Settlement

that an \_\_\_\_\_ of which the within is a true copy will be presented for settlement to the  
HON. \_\_\_\_\_ one of the judges of the within named court, at \_\_\_\_\_ on  
20 \_\_\_\_\_ at M.